

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Joseph B. Norman

Docket No. 5:13-MJ-1465-1JG

Petition for Action on Probation

COMES NOW Scott Plaster, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Joseph B. Norman, who, upon a finding of guilt to Level 5 DWI and Failure to Maintain Lane, was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on October 22, 2013, to a 12 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
4. The defendant shall surrender North Carolina driver's license to the Clerk of this Court for mailing to the North Carolina Division of Motor Vehicles and not operate a motor vehicle on the highways of the State of North Carolina except in accordance with the terms and conditions of a limited driving privilege issued by the appropriate North Carolina Judicial Official.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE
AS FOLLOWS:**

Following the defendant's sentencing on October 22, 2013, the probation officer met with the defendant regarding the conditions of probation imposed by the court. At that time the probation officer learned that the defendant is without the support of family and friends in the Raleigh, North Carolina area. The defendant indicated he plans to relocate to Charlotte, North Carolina within the next two months. The day following his release, the defendant obtained a substance abuse assessment and began the recommended 20 hours of educational courses on October 28, 2013. He also attended orientation at the Food Bank of Central and Eastern North Carolina for the purpose of starting his community service. The defendant has been able to accomplish this as a result of still having a valid driver's license. After reviewing the defendant's driving history and criminal record, it is

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recommended the condition requiring the defendant to surrender his driver's license to the clerk of this court be suspended for a period of 60 days from the date of the original judgment, dated October 22, 2013. By suspending this condition, the defendant will be able to complete his substance abuse education courses and community service work prior to relocating to Charlotte. The public transportation system also does not extend to the defendant's residence. Additionally, the defendant has been instructed to surrender his driver's license prior to relocating to a residence outside of the Eastern District of North Carolina. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall surrender North Carolina driver's license to the Clerk of this Court for mailing to the North Carolina Division of Motor Vehicles and not operate a motor vehicle on the highways of the State of North Carolina except in accordance with the terms and conditions of a limited driving privilege issued by the appropriate North Carolina Judicial Official. This condition shall be suspended for a period of 60 days from the date of the original judgment.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: October 30, 2013

ORDER OF COURT

Considered and ordered this 30th day of October, 2013, and ordered filed and made a part of the records in the above case.


James E. Gates
United States Magistrate Judge